

HOOVER CITY COUNCIL MINUTES OF MEETING

DATE: March 21, 2016
TIME: 6:00 P.M.
PLACE: Hoover Municipal Center
PRESENT: Mayor Gary Ivey
Mr. Brian Skelton, Council President Pro-Tempore
Mr. John Greene, Council Member
Mr. John Lyda, Council Member
Admiral Jack Natter, Council Member
Mr. Joe Rives, Council Member
Mr. Gene Smith, Council Member

ABSENT: Mr. Jack Wright, Council President

ALSO PRESENT: Mr. Charlie Waldrep, Waldrep Stewart & Kendrick, City Attorney
Ms. Leslie Klasing, Waldrep Stewart & Kendrick
Mr. Nic Waddell, Waldrep Stewart & Kendrick
Mr. Bob House, House Consultants
Ms. Linda Andrews, Library Director
Mr. Tommy Daniel, Director, Public Works
Chief Nick Derzis, Police Chief
Mr. Mike Lewis, Director, Human Resources
Mr. Frank Lopez, Director, Revenue and Taxation
Dr. Melinda Lopez, Director, Information Management & Reporting
Mr. Craig Moss, Director, Parks and Recreation
Mr. Allen Pate, Executive Director
Mr. Ben Powell, Purchasing Director
Mr. Don Reilly, Director, Inspection Services
Mr. Tim Westhoven, Assistant Executive Director
Chief Chuck Wingate, Fire Chief
Mr. Robert Yeager, Finance Director

The meeting was called to order by Council President Pro-Tempore Brian Skelton.

The clerk had roll call and a quorum was present.

The clerk gave the invocation.

The Pledge of Allegiance was led by Mr. Rives.

1. REPORTS

Mr. Everett Wess, Candidate for Jefferson County Circuit Judge, Place 26, introduced himself and asked for support in the upcoming primary run-off election.

2. MINUTES

Mr. Skelton stated each member of the Council had previously received a copy of the minutes of the March 7, 2016 regular meeting and the March 17, 2016 work session.

Mr. Greene made a motion that the minutes be approved as presented and to dispense with the reading. This motion was seconded by Admiral Natter. Mr. Skelton called for discussion. There being none, on voice vote the motion carried unanimously.

3. **RESOLUTION NO. 5382-16 – AMEND BUDGET FOR FYE 9/30/16**

The City Attorney read Resolution No. 5382-16. This would amend the Budget for Fiscal Year Ending September 30, 2016 as shown on the Exhibit A attached to the resolution.

Mr. Rives made a motion to approve **Resolution No. 5382-16**. This motion was seconded by Mr. Greene and Admiral Natter. Mr. Skelton called for discussion from the Council or the audience.

Mr. Smith asked if the money for the paving project would be coming out of the gas tax fund. Mr. Yeager answered yes. This money was not included in the original budget so it is being added in this amendment. Mr. Smith asked if there were any other gas tax monies that are waiting for a project. Mr. Yeager said he was not aware of any.

Mr. Smith then inquired about the vehicles for the ten new police officer positions. He said it was his understanding that police officers did not receive a take home vehicle until their first year was up. Chief Derzis said each officer is given a vehicle but they do not take it home until after their probationary period.

Admiral Natter asked if the money included body cameras for the new officers. Chief Derzis answered yes. Admiral Natter asked Chief Derzis to speak on the results of using the body cameras. Chief Derzis said it has been a fantastic tool. There have been numerous times when they have been able to look at the cameras and see exactly what occurred. It is a great management tool and he was elated with the type of response they have gotten so far.

Mr. Smith asked Chief Derzis if he could foresee the body cameras taking the place of vehicle cameras. Chief Derzis said the vehicle cameras still have their place. The body cameras can be utilized once an officer moves away from the vehicle. He said he will be requesting money in next year's budget to outfit any personnel that currently do not have the body cameras.

There being no further discussion, on voice vote the motion carried unanimously.

4. **RESOLUTION NO. 5383-16 – BID NO. 02-16-1A – HOOVER SPORTSPLEX – EVENT CENTER PRE-ENGINEERED METAL BUILDING**

The City Attorney said this resolution would award Bid No. 02-16-1A for the Hoover Sportsplex Event Center Pre-Engineered Metal Building. The bids have not yet been opened and a motion to continue this item is in order.

Mr. Rives made a **motion to continue** this item to the first meeting in April. This motion was seconded by Mr. Smith. Mr. Skelton called for question or comments from the Council. Admiral Natter asked if this allowed enough time for review of the bids. Mr. Pate said the bids would be opened on Wednesday, March 30th. Mr. Powell agreed that this would allow enough to review the bids. Mr. Skelton called for questions from the audience. There being none, on voice vote the motion carried unanimously.

5. **RESOLUTION NO. 5384-16 – BID NO. 03-16 – DUAL POWER MINI EXCAVATOR – REJECT SINGLE BID AND AUTHORZE MAYOR TO NEGOTIATE PRICE**

The City Attorney read Resolution No. 5384-16. This resolution rejects the single bid received from Southland Machinery, LLC, regarding Bid No. 03-16 for the purchase of a Dual Power Mini Excavator; and authorizes the Mayor to negotiate the price not to exceed the bid quote of \$38,792.00.

Admiral Natter made a motion to approve **Resolution No. 5384-16**. This motion was seconded by Mr. Greene. Mr. Skelton called for discussion from the Council or the audience. Mr. Smith inquired as to the use of the mini excavator. Mr. Tommy Daniel said it would mainly be used by the city plumber and electrician for work inside the building. There being no further discussion, on voice vote the motion carried unanimously.

6. **RESOLUTION NO. 5385-16 – APPOINTMENT OF FINANCIAL TEAM FOR BOND ISSUE REGARDING NEW SPORTS COMPLEX**

The City Attorney said this resolution appoints the underwriters and financial advisor for the financing of the bond issue necessary for the sports complex.

Mr. Skelton said a motion to continue was in order.

Mr. Rives made a **motion to continue** this item to the first meeting in April. This motion was seconded by Admiral Natter. Mr. Skelton called for discussion from the Council or the audience. There being none, on voice vote the motion carried unanimously.

7. **CHANGE ORDER NO. 3 – FIRE STATION NO. 10 – ROSS BRIDGE**

Mr. Skelton said this is a request for approval of Change Order No. 3 for the Fire Station No. 10 project.

The City Attorney said this change order allows for a credit for utility aid to construction allowance plus material testing allowance providing a total credit of \$1,045.23.

Mr. Smith made a motion to approve **Change Order No. 3** for Fire Station No. 10. This motion was seconded by Admiral Natter. Mr. Skelton called for discussion. Mr. Smith asked how much had been saved on the deductions so far. Chief Wingate was not certain where it stood at this time. Mr. Smith said he would get with Chief Wingate later regarding this matter. There being no further discussion, on voice vote the motion carried unanimously.

8. **2ND READING ORDINANCE NO. 16-2298 – AMEND MUNICIPAL CODE REGARDING MUNICIPAL COURT**

The City Attorney had the Second Reading of Ordinance No. 16-2298. This would amend the Municipal Code as follows: AMEND A PORTION OF CHAPTER 10, SECTION 10-2 ENTITLED “JURISDICTION” OF MUNICIPAL CODE OF THE CITY OF HOOVER; TO MODIFY CHAPTER 10, SECTION 10-3 ENTITLED “WHERE AND WHEN HELD”; TO AMEND A PORTION OF CHAPTER 10, SECTION 10-7 ENTITLED “MAGISTRATES”; TO AMEND CHAPTER 10, SECTION 10-18 ENTILED “SCHEDULE OF FINES”; TO DELETE CHAPTER 10, SECTION 10-30 ENTITLED “FINES”; TO AMEND A PORTION OF CHAPTER 11, ARTICLE II, SECTION 11-31 ENTITLED

“MISDEMEANORS”; TO DELETE CHAPTER 9, ARTICLE I, SECTION 9-2 ENTITLED “ADOPTION OF STATE MISDEMEANORS”; MODIFICATION OF CHAPTER 9, ARTICLE I, SECTION 9-3; AND TO DELETE CHAPTER 11, ARTICLE II, SECTION 11-32 ENTITLED “VIOLATION OF THE FEDERAL MOTOR CARRIER AND SAFETY REGULATIONS.

The City Attorney said these revisions were discussed with Admiral Natter as Council Liaison to Municipal Court. The attorneys worked closely with the municipal judge and municipal court director as well.

Admiral Natter made a motion to adopt **Ordinance No. 16-2298**. This motion was seconded by Mr. Rives. Mr. Skelton called for comments or question from the Council or the audience.

Mr. Smith asked if these revisions were merely bringing municipal law into compliance with state law. He also inquired as to whether the revisions regarding fines changed where those dollars go. The City Attorney answered no; those are allocated according to the budget. Attorney Nic Waddell said that in reviewing the state code in conjunction with municipal court they determined there were several sections that needed to be updated. There were also some streamlining issues the court wanted to go through. A couple of examples: There were some additional powers added to the state code regarding magistrates and this version has been revised to coincide with the state code. They also removed the fine schedule from the municipal code. The fine schedule is promulgated by the Alabama Supreme Court so the municipal code was revised to state that when it is amended by the Supreme Court those amendments automatically apply to municipal court. All of the amendments are either small changes to realign with the state code or to simplify and streamline things for the municipal court.

Admiral Natter added that it also clarifies certain sections that make it better for the city when individuals want to appeal certain cases based on ordinance confusion.

Mr. Smith noted that a number of years ago the city worked with the state legislature that allowed for someone to buy back a warrant. Mr. Waldrep said that is still in place.

There being no further discussion, on roll call vote of the Council the votes were as follows: Mr. Greene, “Yea”; Mr. Lyda, “Yea”; Admiral Natter, “Yea” Mr. Rives, “Yea”; Mr. Skelton, “Yea”; and Mr. Smith, “Yea”. The motion carried unanimously.

9. **1ST READING ORDINANCE NO. 16-2299 – ANNUAL TAX LEVY**

The City Attorney had the First Reading of Ordinance No. 16-2299. This ordinance provides for the levying of municipal taxes for the city. It allows for the assessment of the taxes for the tax year beginning October 1, 2016.

The second reading and consideration for adoption will be on Monday, April 4, 2016.

10. **1ST READING ORDINANCE NO. 16-2300 – AMEND MUNICIPAL CODE, APPENDIX IV, AND GRANT NON-EXCLUSIVE FRANCHISE TO LEVEL 3 COMMUNICATIONS, LLC**

The City Attorney had the First Reading of Ordinance No. 16-2300. This would amend the Municipal Code, Appendix IV, and grant a non-exclusive telecommunications franchise to Level 3 Communications, LLC, for a period of five years.

The second reading and consideration for adoption will be on Monday, April 4, 2016.

11. **PUBLIC HEARING – CONDITIONAL USE – SALE OF RESTAURANT RETAIL LIQUOR - REVOLVE KITCHEN & BREW, 611 DOUG BAKER BLVD, SUITE 103; AND APPROVAL OF ABC APPLICATION**

Mr. Skelton stated this is the public hearing to consider the request of Douglas Hovanec for **Conditional Use** approval to allow the sale of Restaurant Retail Liquor at **Revolve Kitchen & Brew** located at **611 Doug Baker Blvd., Suite 103** in the Lee Branch Shopping Center Phase II. Monarch at Lee Branch, LLC is the property owner and the property is zoned C-2 Community Business District. (*P&Z Case #C-0316-03*)

Mr. Lyda made a motion to approve the conditional use. This motion was seconded by Mr. Greene. Mr. Skelton called for discussion from the Council. Mr. Greene expressed concern regarding some criminal history shown on the ABC Application regarding the applicant. Mr. Lyda asked for Chief Derzis' comments. Chief Derzis suggested this be continued to the next meeting to allow time for discussion on the matter. Mr. Lyda amended his **motion to continue the public hearing** to the next meeting. This motion was seconded by Mr. Greene. On voice vote the motion carried unanimously.

Mr. Lyda then made a **motion to continue the ABC Application** approval to the next meeting as well. This motion was seconded by Admiral Natter. On voice vote the motion carried unanimously.

12. **PUBLIC HEARING – CONDITIONAL USE – SALE OF ON OR OFF PREMISES BEER AND WINE – SUSHI VILLAGE 280, 601 DOUG BAKER BLVD., SUITES 101 AND 102; AND APPROVAL OF ABC APPLICATION**

Mr. Skelton stated this is the public hearing to consider the request of Rong Yang for **Conditional Use** approval to allow the sale of on or off premises Retail Beer and on or off premises Retail Table Wine at **Sushi Village 280** located at **601 Doug Baker Blvd., Suite 101 and 102** in the Lee Branch Shopping Center Phase II. Monarch at Lee Branch, LLC, is the property owner and the property is zoned C-2 Community Business District (*P&Z Case #C-0316-04*)

Mr. Lyda made a motion to approve the **conditional use**. This motion was seconded by Mr. Rives. Mr. Skelton called for questions or comments from the Council or the audience. There being none, on voice vote the motion carried unanimously.

Mr. Lyda made a motion to approve the **ABC Application** for SushiVillage 280, Inc. This motion was seconded by Mr. Rives. On voice vote the motion carried unanimously.

13. **SET PUBLIC HEARING FOR MONDAY, APRIL 18, 2016 AT 6 PM**

Mr. Skelton stated a public hearing is hereby set for Monday, April 18, 2016, at 6:00 p.m. to consider the request of Ed & Barbara Randle for **Conditional Use** approval for their property located at **2255 Tyler Road** (a/k/a The Hoover House) to be used as a wedding venue, a

place for corporate meetings and other similar social functions. Mr. and Mrs. Randle are the property owners and the property is zoned R-1 Single Family Residential. *PZ Case #C-0216-02*

14. **PAYMENT OF BILLS**

Mr. Smith made a motion that the bills be paid as submitted. This motion was seconded by Mr. Greene. Mr. Skelton called for questions or comments. There being none, on voice vote the motion carried unanimously.

Mr. Skelton called for additional comments or questions from the Council.

Admiral Natter said he understood this is the last Council meeting for Inspections Services Director, **Don Reilly**, as he is retiring. He wished him well and thanked him for his service to the city. Mr. Reilly was given a round of applause.

Mr. Dan Fulton, 1440 Alford Avenue, said he understood that additional patrol officers were added as part of the budget amendment approved earlier in the meeting. Mayor Ivey stated that was correct. It included ten new patrol officers. Mr. Fulton said he understood the police chief would have liked to have had twenty but perhaps that could be considered at a later time. Mr. Fulton then commented on the upcoming sales tax holiday to be held on August 5-7 in the state. He requested that Hoover be the first city to set up a full week tax holiday in the city for the limited list of school supplies. He suggested the city begin the tax holiday on August 1 and run through August 4 for city taxes and then the state and city for the remainder of the week. He noted that Jefferson County does not participate but Shelby County does participate. He felt this would be an incentive to attract people to shop in Hoover. He then mentioned that with the school rezoning and those students within two miles of a school who would not be eligible to ride the school bus the superintendent and the school board are going to seek waivers from the state to allow those students to continue to ride the bus. However, there will be parents who want to take their children to school and the new vehicles are much safer with the automatic breaking, backup cameras, etc. This may be an opportune time for them to consider purchasing a new vehicle to help transport their children safely to school. In conclusion, he said he understood that the City of Vestavia Hills has offered \$11 million for the Old Berry High School and the city would have to deannex the property in order for Vestavia Hills to use it as a junior high school. He said this is very valuable property that is centrally located and could be used in many ways such as senior housing, townhomes, a luxury hotel, a new sportsplex, or down the road even a new city hall with a concert hall. He felt that before any property is deannexed out of the city due diligence should be done and he asked that the city council be careful and cautious in this regard.

Mr. Greg Bishop, 1658 Lake Cyrus Club Drive, said he currently works with a Hoover based non-profit that's mission is to align the children that are food insecure in Hoover at Hoover schools with sponsors that will help them to get food to eat on the weekends. It is called the **Weekend Backpack Program**. Mr. Bishop presented a handout with information about the program. He noted that many of the churches in the community are already sponsoring some of the elementary schools. In fact, all of the elementary schools in Hoover already have such a program. They are currently trying to expand the program to include all of the middle schools and high schools and they are seeking sponsors for those schools. Their goal is to have all schools in Hoover covered by a program by the beginning of the next school year. At the

elementary level teachers simply place the food in the children's backpacks. It is more challenging at the high school level as there is stigmatism associated with it and they do not want to single children out. The handout identifies what has been accomplished so far with faith based organizations in Hoover. He said it had been inspiring to see how the community has rallied around this initiative.

Mr. David Barber, 8420 Will Keith Road, Argo, thanked the Mayor and City Council for their support this year for the Prescott House which serves children in very stressful situations. Hoover and other municipalities literally kept the doors open this year. Mr. Skelton thanked Mr. Barber for coming. Admiral Natter stated for those who may not know Mr. Barber is the former district attorney.

Mr. Arnold Singer, 613 Riverhaven Place, talked about the city's purchase of the Hoover Public Safety Center, 2020 Valleydale Road, many years ago. The building was repurposed beautifully and is located on the edge of the city boundaries. Similarly, Old Berry High School is on the border of Hoover in the other direction. He felt that if the Board of Education did not take the time to think of constructive uses for the property and should by some chance decide to sell the property he would urge the city council to exercise its rightful power and reject deannexation. Mr. Smith wanted to be sure that Mr. Singer knew that the city did make an offer of \$9 million on the property last year so the city council had made a conscious effort. Mr. Singer said there has been increasing talk about the need for a new school building in the next few years. He felt there could not be a better situation than to have 35 acres with a stadium and a structurally sound building that could be used and would be a lot cheaper than having to acquire land and construct a new school.

There being no additional comments or questions, the meeting was adjourned.

Margie Handley, City Clerk